

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York County Finance Building, Yorktown, Virginia, on the 17th day of March, 1999:

<u>Present</u>	<u>Vote</u>
Sheila S. Noll, Chairman	Yea
James W. Funk, Vice Chairman	Yea
Walter C. Zaremba	Yea
Albert R. Meadows	Yea
Jere M. Mills	Yea

On motion of Mr. Meadows, which carried 5:0, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. PD-10-98 THAT REQUESTS AMENDMENT OF THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM GB (GENERAL BUSINESS) TO PD (PLANNED DEVELOPMENT) APPROXIMATELY 21.4 ACRES OF PROPERTY LOCATED AT 5401 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) SUBJECT TO CERTAIN CONDITIONS PROFFERED BY THE OWNERS OF THE PROPERTY

WHEREAS, Cowles M. Spencer, Sr. has submitted Application No. PD-10-98 that requests a from GB (General Business) to PD (Planned Development) approximately 21.4 acres located at 5401 George Washington Memorial Highway (Route17) and further identified as Assessor's Parcel No. 29-18; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Commission has recommended approval of this application; and

WHEREAS, the Board has conducted a duly advertised public hearing for this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 17th day of March, 1999, that Application No. PD-10-98 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying from GB (General Business) to PD (Planned

Development) approximately 21.4 acres located at 5401 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 29-18, subject to conditions set out below.

BE IT FURTHER ORDAINED that the following conditions shall apply to the development of the above described property under the PD classification:

1. General Layout, Design, and Density

- a. Except as specifically modified herein, development of this property shall proceed in accordance with the plan entitled, "Villa Rochambeau, an Epmark Community," prepared by The Sirine Group, Inc., and dated 12/30/98 as supplemented by written narrative entitled, "The Villas at Rochambeau." Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as submitted or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.
- b. The layout and design of this development shall comply with, except as modified herein, the Planned Development regulations as provided in Section 24.1-360 of the York County Zoning Ordinance.
- c. The maximum number of residential units shall be 124.
- d. Building envelopes within which can be located structures conforming to the dimensional and spatial requirements incorporated herein and in the Zoning Ordinance shall be shown on the Development Plan and on the final plat. Such envelopes, once approved, shall be binding on the development of the property.
- e. Street trees at least 1-1/2 inch diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along the outer loop of the interior road in the development.

2. Streets and Circulation

- a. Roadway design and construction shall be in substantial conformance with the Development Plan. The design and construction of all streets shall adhere to the street and roadway standard established for public streets by the County and the Virginia Department of Transportation (VDOT). The applicant shall bear responsibility for installing all roadway improvements.
- b. All streets shall be of a curb and gutter design; roll-top curb shall be permissible throughout the development.
- c. In order to provide for safe and convenient pedestrian circulation, the project shall include a four foot (4') wide sidewalk along the entire inside circle of the development as shown on the concept plan with connections to the pedestrian trails also shown on the concept plan.
- d. Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.

- e. The developer shall dedicate to the County within 60 days upon notice by VDOT sufficient right-of-way on the subject property necessary for the completion of the Grafton Drive and Burts Road realignment connector that is included in the County's Six-Year Secondary Road Improvement Plan.

3. Utilities and Drainage

- a. Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b. A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Newport News all easements deemed necessary by the County for maintenance of such water lines.
- c. The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d. The homeowners' association shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

4. Open Space and Recreation

- a. The location and arrangement of open space shall be generally as depicted on the plan entitled, "Villa Rochambeau, an Epmark Community," dated 12/30/98.
- b. A minimum of 5.4 acres of open space shall be provided. Said open space may include water management facilities, environmentally sensitive areas, roadside buffers, and recreation space.
- c. A minimum of 2.2 acres of recreation space shall be provided. Said recreation space shall be developed, at a minimum, with a pedestrian pathway, park-style benches along the pedestrian pathway, and an enclosed-screened gazebo as indicated on the master plan. The physical design of the pedestrian pathway shall be designed in such a manner as to accommodate the walking/exercise needs of active seniors and the physically challenged.
- d. The recreation area and facilities, including the pedestrian pathway, must be developed and available for use on or before the occupancy of the twenty-fifth (25th) unit or by the end of the fifth (5th) year from the start of construction, whichever occurs first.

- e. The location and manner of development for the recreation area shall be fully disclosed prior to closing in plain language to all home purchasers in this development.
- f. All landscaped buffer areas shown on the master plan or required herein shall be encumbered with landscape preservation easements running to the benefit of the County or homeowners' association. Such easements shall stipulate that the described land will remain in its natural state and preclude future or additional development; such easements shall be acceptable as to content and form to the County Attorney.
- g. All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.
- h. All recreational services, facilities, and equipment shall be subject to approval by the Parks and Recreation Manager as to their consistency with the applicant's proffers and recreational requirements as listed in the Planned Development regulations in the Zoning Ordinance.

5. Environment

- a. Prior to final plan approval, the applicant shall obtain all wetland permits required by federal and state regulations and submit copies of these permits, or evidence that such permits are unnecessary, to the Zoning Administrator.
- b. A major water quality study shall be submitted with the development plan consistent with the provisions stated in Section 24.1-372, Environmental Management Area Overlay District.

6. Proffered Conditions

- a. The reclassification shall be subject to the conditions voluntary proffered by the property owners in the proffer statement entitled, "Statement of Proffers (Revised 1-26-99)," which are attached hereto and made a part hereof by reference.
- b. The applicant shall have a signed proffer statement by the owner of property three weeks prior to the Board of Supervisors meeting for the subject reclassification.

7. Restrictive Covenants

- a. Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497, *Declaration of Covenants and Restrictions*, of the Zoning Ordinance.

A Copy Teste:

\\ORIGINAL SIGNED\\

Mary E. Simmons

Deputy Clerk